

§ 71.10

38 CFR Ch. I (7–1–13 Edition)

71.50 Provision of certain counseling, training, and mental health services to certain family members of veterans.

AUTHORITY: 38 U.S.C. 501, 1720G, unless otherwise noted.

SOURCE: 76 FR 26172, May 5, 2011, unless otherwise noted.

§ 71.10 Purpose and scope.

(a) *Purpose.* This part implements VA's caregiver benefits program, which, among other things, provides certain benefits to eligible veterans who have incurred or aggravated serious injuries during military service, and to their caregivers.

(b) *Scope.* This part regulates the provision of caregiver benefits authorized by 38 U.S.C. 1720G. Persons eligible for caregiver benefits may be eligible for other VA benefits based on other laws or other parts of title 38, CFR.

(Authority: 38 U.S.C. 501, 1720G)

§ 71.15 Definitions.

For the purposes of this part:

Eligible veteran means a veteran, or a servicemember, who is found eligible for a Family Caregiver under § 71.20.

Family Caregiver means both a Primary and Secondary Family Caregiver.

General Caregiver means an individual who meets the requirements of § 71.30.

Inability to perform an activity of daily living (ADL) means any one of the following:

- (1) Inability to dress or undress oneself;
- (2) Inability to bathe;
- (3) Inability to groom oneself in order to keep oneself clean and presentable;
- (4) Frequent need of adjustment of any special prosthetic or orthopedic appliance that, by reason of the particular disability, cannot be done without assistance (this does not include the adjustment of appliances that non-disabled persons would be unable to adjust without aid, such as supports, belts, lacing at the back, etc.);
- (5) Inability to toilet or attend to toileting without assistance;
- (6) Inability to feed oneself due to loss of coordination of upper extremities, extreme weakness, inability to swallow, or the need for a non-oral means of nutrition; or

(7) Difficulty with mobility (walking, going up stairs, transferring from bed to chair, etc.).

In the best interest means, for the purpose of determining whether it is in the best interest of the eligible veteran to participate in the Family Caregiver program under 38 U.S.C. 1720G(a), a clinical determination that participation in such program is likely to be beneficial to the eligible veteran. Such determination will include consideration, by a clinician, of whether participation in the program significantly enhances the eligible veteran's ability to live safely in a home setting, supports the eligible veteran's potential progress in rehabilitation, if such potential exists, and creates an environment that supports the health and well-being of the eligible veteran.

Need for supervision or protection based on symptoms or residuals of neurological or other impairment or injury means requiring supervision or assistance for any of the following reasons:

- (1) Seizures (blackouts or lapses in mental awareness, etc.);
- (2) Difficulty with planning and organizing (such as the ability to adhere to medication regimen);
- (3) Safety risks (wandering outside the home, danger of falling, using electrical appliances, etc.);
- (4) Difficulty with sleep regulation;
- (5) Delusions or hallucinations;
- (6) Difficulty with recent memory; and
- (7) Self regulation (being able to moderate moods, agitation or aggression, etc.).

Personal care services means care or assistance of another person necessary in order to support the eligible veteran's health and well-being, and perform personal functions required in everyday living ensuring the eligible veteran remains safe from hazards or dangers incident to his or her daily environment.

Primary care team means a group of medical professionals who care for a patient and who are selected based on the clinical needs of the patient. The team must include a primary care provider who coordinates the care, and may include clinical specialists (e.g., a